IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

1. WRIT PETITION NO.3237 OF 2005

Jayesh Kripa Co-op Soc Ltd.. .. Petitioners
Vs
1. The State of Maharashtra & ors. .. Respondents

Mr V.K.Pradhan, for the petitioners.
Mr R.M.Paten, AGP for R.Nos 1 to 4.

WITH

2. WRIT PETITION NO.2677 OF 2005

Vishambhar Darshan Co-op Soc Ltd... Petitioners
Vs
1. The State of Maharashtra & ors. .. Respondents

WITH

3. WRIT PETITION NO.2731 OF 2005

Shree Gokul Co-op Soc Ltd.. .. Petitioners
Vs
1. The State of Maharashtra & ors. .. Respondents

WITH

4. WRIT PETITION NO.2756 OF 2005

Bhonsule Sadan Co-op Soc Ltd.. .. Petitioners
Vs
1. The State of Maharashtra & ors. .. Respondents

WITH

5. WRIT PETITION NO.2946 OF 2005

Kashi Kunj Co-op Soc Ltd.. .. Petitioners
Vs
1. The State of Maharashtra & ors. .. Respondents

WITH

6. WRIT PETITION NO.2947 OF 2005

Anandi Bhuvan Co-op Soc Ltd.. .. Petitioners
Vs
1. The State of Maharashtra & ors. .. Respondents

WITH

7. WRIT PETITION NO.2993 OF 2005

Saptashrungi Co-op Soc Ltd.. .. Petitioners
Vs
1. The State of Maharashtra & ors. .. Respondents

WITH

8. WRIT PETITION NO.3089 OF 2005

Tapascharya Co-op Soc Ltd.. .. Petitioners
Vs
1. The State of Maharashtra & ors. .. Respondents

WITH

0. WRIT PETITION NO.3178 OF 2005

Sudama Sagar Co-op Soc Ltd.. .. Petitioners
Vs
1. The State of Maharashtra & ors. .. Respondents

CORAM : V.G.PALSHIKAR & D.B.BHOSALE,JJ.
DATE : 26.9.2005.

PC:

1. Heard the learned counsel for the parties.

2. By these petitions, the petitioners have challenged a notice dated 23.2.2005, by which the petitioners were required to show cause why an action under section 53 of the Maharashtra Land Revenue Code, 1966 be not taken against them as they are trespassers on the lands.

3. The contention raised in all these petitions is that this notice is based on a communication dated 21.11.2001. That communication was passed without any knowledge of the petitioners and, therefore, issuance of the subsequent impugned notice on 23.2.2005 is bad.

4. Thereafter, on 7.3.2005 one of the respondents

has received a notice from the Sub Divisional Officer, Thane, calling upon that society to show cause why the land given to that society be not resumed for failure to perform in accordance with the conditions of grant. The contention raised on behalf of the petitioners is that they are definitely affected by these proceedings and, therefore, are entitled to be heard. However, such request has not, so far, been made. We dispose of these petitions by requiring the petitioners to apply before the Sub Divisional Officer, Thane in the matter of the communication dated 7.3.2005, claimed to be heard and if such application is made, the S.D.O, Thane shall decide the application after hearing them in accordance with law. The petitioners shall be at liberty to contest the notice of 23.2.2005 also.

5. With these observations, all these petitions are disposed of. Certified copy expedited.

(D.B.BHOSALE, J.) **(V.G.PALSHIKAR, J.)**